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TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
Arthur Steiner &
Borssuck Estate, legal owner... of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified pursuant to the Zoning Law of Baltimore County, from an _____ zone to an _____ zone; for the following reasons:

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for _____ Service Garage in an _____ ML-IM zone.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract purchaser: Arthur Steiner
General Partner
Address: B & S Investments
P.O. Box 134
Annapolis, Maryland 21404
Petitioner's Attorney: _____
Protector's Attorney: _____
Bldg 914 0441
Assigned: 727.1372

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 1978, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 1978, at 10:00 o'clock _____ A.M.

(over)

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE
for Service Garage in an ML-IM Zone : COUNTY BOARD OF APPEALS
NE/Side Flood Road, 36' NW of : OF
Rettman Lane :
12th District :
Arthur Steiner & Borssuck Estate, : BALTIMORE COUNTY
Petitioners :
No. 80-56-X

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This case comes before the Board on an appeal by the Petitioners from the decision of the Zoning Commissioner which denied a Special Exception for a Service Garage at the subject property. The subject property is located in the 12th Election District at 1936A Flood Road, which is approximately 36 feet northwest of Rettman Lane. The entire area of the subject property is approximately 2.1476 acres and all of this subject area is zoned ML-IM.

The Petition seeks a Special Exception for 0.19 acres of the subject property. This area for the proposed Special Exception is delineated in red on Petitioners' Exhibit #1. If the Petitioners are successful, it is their intention to lease this property to a separate service garage operator. The Petitioners proposed that the service garage use would be limited to body and fender repairs for automobiles and for trucks that do not exceed 3/4 ton in size. The Petitioners also offered to limit the hours of operations and noted that all work would be performed inside the existing building.

The Board received and reviewed various photographs offered by the People's Counsel and the Protestants. Richard L. Smith, a Civil Engineer, testified on behalf of the Petitioners and advised the Board that public sewer and water are available to serve the site and that no expansion of the existing building is contemplated. Mr. Smith also told the Board that, in his judgment, the use proposed at the subject property would satisfy Section 502.1 of the Zoning Regulations.

Several neighborhood residents testified in opposition to the granting of this Petition. A primary concern of these residents is the existing traffic that utilizes Flood Road.

RE: ALLEGED ZONING VIOLATION : BEFORE THE
1930 Rettman Lane : DEPUTY ZONING
12th Election District : COMMISSIONER
Mr. Arthur Steiner :
P.O. Box 134 : OF
Annapolis, Maryland 21404 :
Defendant : BALTIMORE COUNTY
78-227-V, C-78-303

A complaint has been filed with the Zoning Office concerning an alleged violation of the Baltimore County Zoning Regulations on property at the above location. A hearing was held to determine whether a violation exists.

The following Baltimore County Zoning Regulations are involved:

Section 102.1 - "No land shall be used or occupied and no building or structure shall be erected, altered, located, or used except in conformity with these regulations and this shall include any extension of a lawful nonconforming use."

Section 101 - Definitions - "Junk Yard: Any land used commercially or industrially for storage or for sale of scrap metal, waste paper, rags, or other junk, and including non-commercial storage of non-operating or non-drivable motor vehicles, dismantling or storage of such vehicles or parts thereof,...."

Section 500.9 - "The Zoning Commissioner shall have the power to require the production of plats of developments or subdivisions of land, or of any land in connection with which application for building or use permits or petitions for a Special Exception, a reclassification, or a temporary use shall be made, such plats to show the location of streets or roads and of buildings or other structures proposed to be erected, repaired, altered, or added to. All such plats shall be drawn to scale and shall clearly indicate the proposed location, size, front, side and rear setbacks from property lines and elevation plans of proposed buildings or other structures. Such details shall conform in all respects with Zoning Regulations. No such plats or plans, showing the opening or laying out of roads or streets, shall be approved by the Zoning Commissioner unless such plats or plans shall have been previously approved by the Office of Planning and the Department of Public Works of Baltimore County."

Arthur Steiner & Borssuck Estate
Case No. 80-56-X

A Special Exception in this instance is sought under Sec. 253.2-B-3 which permits, by way of a Special Exception, in ML zones, a service garage. Such use would be an auxiliary service use in the ML-IM district, "provided further that it is shown that any such use will serve primarily the industrial uses and related activities in the surrounding industrial area". It is the Petitioners' contention that this element is satisfied as the proposed service garage would be for the vehicles of the employees that work in the surrounding ML-IM area. The Petitioners' evidence on this element is, frankly, weak. Coupling these factors with the very stringent requirements of Sec. 502.1, it is the conclusion of the Board that the Petitioners have failed to carry their burden of proof.

The Board has carefully reviewed the testimony and evidence presented and is not satisfied that, if this service garage is permitted to operate at this site, the provisions of Sec. 502.1 can be satisfied. Hence, for this reason, the Petition will be denied.

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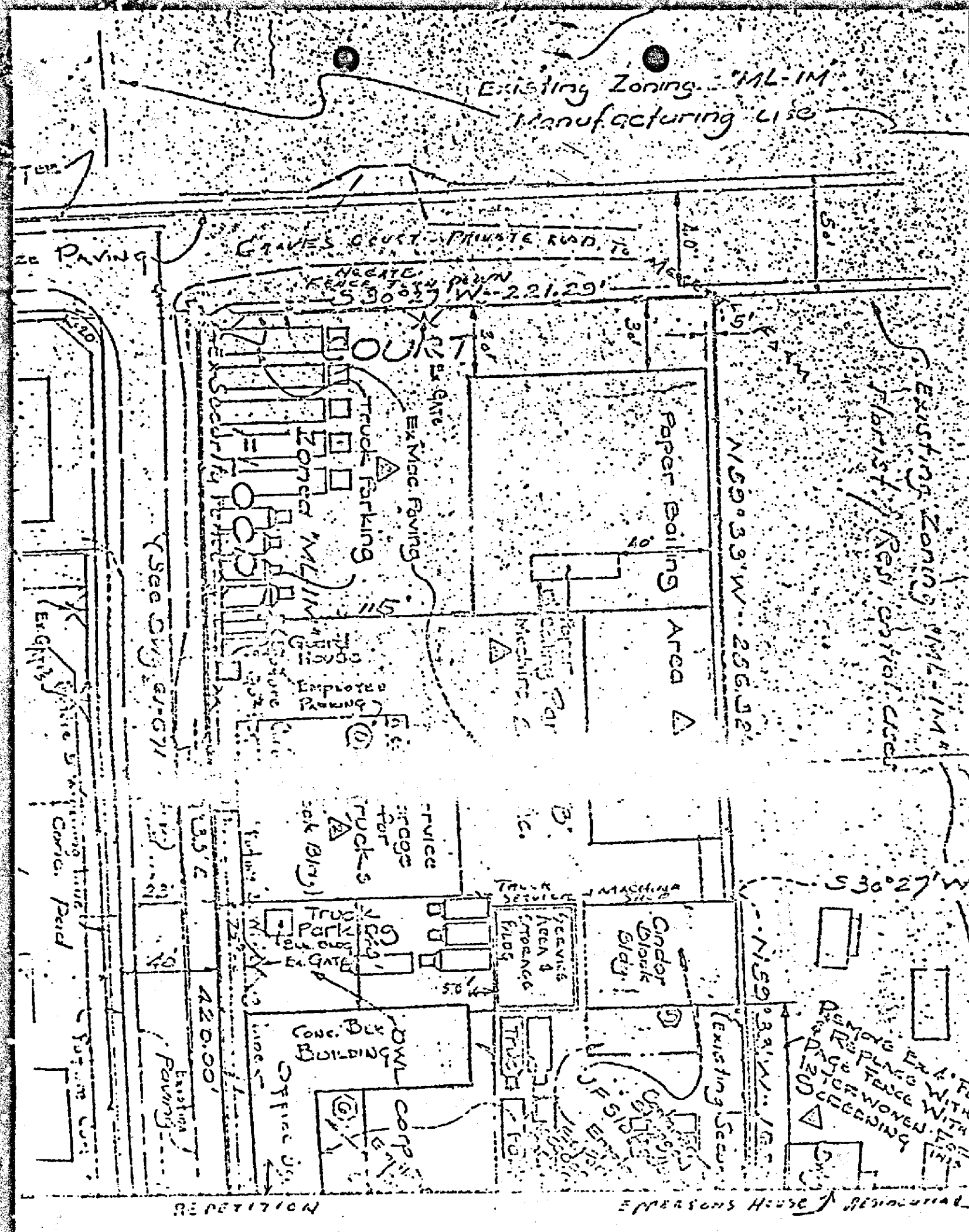
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BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

August 23, 1979

Mr. Arthur Steiner
B&S Investments
P.O. Box 134
Annapolis, Maryland 21404

RE: NE/S Flood Rd., 36' NW Rettman Lane
Petition for Special Exception
Case No. 80-56-X

Dear Sir:

This is to advise you that \$25.00 is due for
advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland and remit
to Mrs. Jones, Room 113, County Office Building, Towson, Maryland 21204,
before the hearing.

Very truly yours,

William E. Hammond
Zoning Commissioner

WEH/sj

Mr. Arthur Steiner
B&S Investments
P.O. Box 134
Annapolis, Md. 21404

NOTICE OF HEARING

RE: NE/S Flood Road, 36' NW Rettman Lane - Petition for Special
Exception - Case No. 80-56-X

TIME: 10:00 A.M.

DATE: Thursday, August 30, 1979

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

[Signature]
ZONING COMMISSIONER OF
BALTIMORE COUNTY

cc: Kidd Consultants, Inc.
1020 Cromwell Bridge Road
Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William E. Hammond
Zoning Commissioner

TO: John D. Seyffert

Date: August 10, 1979

FROM: Director of Planning and Zoning

SUBJECT: Petition #80-56-X, Item 233

Petition for Special Exception for a Service Garage
Northeast side of Flood Road, 36 feet Northwest of Rettman Lane
Petitioner - Arthur Steiner & Borsuck Estate

12th District

HEARING: Thursday, August 30, 1979 (10:00)

A service garage as provided for by Section 253.2.B.3 of the
Baltimore County Zoning Regulations would be appropriate here.
If this petition is granted, it is suggested that some landscaping
detail be agreed upon by the petitioner and the Division of
Current Planning and Development.

[Signature]
John D. Seyffert
Director of Planning and Zoning

JDS:JGH:rw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Ms. Judy Sussman
Executive Office

Date: January 16, 1980

TO: Mr. James B. Byrnes, III

FROM: Zoning Enforcement Section

Zoning Violation Case No. 78-227-V

SUBJECT: Zoning Petition Case No. 80-56-X

1930 Rettman Lane
12th Election District

Your inquiry of January 10, 1980, made on behalf of
Mrs. Patricia Epperson and addressed to the Honorable
William E. Hammond, Zoning Commissioner, has been referred
to this office for reply. The above referenced property
and the respective case numbers are the subject of the
matter.

In the first instance, a violation hearing was
conducted by the then Deputy Zoning Commissioner,
George J. Martinak. Subsequent to that hearing, Commissioner
Martinak found violations and Ordered the cessation of all
junk yard use, including the removal of all junk trucks and
miscellaneous junk and debris. It was additionally Ordered
that a site plan must be submitted for approval and that
the property be brought into compliance with same. I have
enclosed copies of both the original Order and of a
subsequent Extension Order for your reference.

Subsequent noncompliance with the aforementioned Orders
resulted in this office filing criminal prosecution in the
District Court of Maryland. Prior to the actual hearing
date, this office entered into an agreement whereby we
would agree to place the case on the stet (inactive) docket
if the Defendants removed all junk vehicles and filed a
Petition request for a public hearing for an automotive
service garage. During this same period of time, another
issue, that of the use of a portion of the property as a
trucking facility, came to our attention.

A Petition request for an automotive service garage
was filed and was heard by the Honorable William E. Hammond
on August 30, 1979. Commissioner Hammond denied that
request on November 22, 1979; however, a timely appeal
was filed by counsel for the Petitioners. This office
has yet to be advised as to when a hearing will be scheduled
by the County Board of Appeals.

Ms. Judy Sussman
Page Two
January 16, 1980

In the absence of a final disposition of the Special
Exception request, this office cannot pursue any further
action in the District Court at this time. When a final
order is rendered therein, we will re-evaluate our position
and take whatever enforcement actions are deemed required.

If this office can be of any further assistance, please
feel free to contact me.

[Signature]
JAMES B. BYRNES, III

JBB:eah

Enclosures

cc: Mr. William E. Hammond

Zoning Commissioner

Mrs. Jean M. H. Jung

Deputy Zoning Commissioner

Files

PETITION FOR SPECIAL EXCEPTION

12th District

ZONING: Petition for Special Exception for a Service Garage

LOCATION: Northeast side of Flood Road, 36 feet Northwest of
Rettman Lane

DATE & TIME: Thursday, August 30, 1979 at 10:00 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue,
Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act
and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for a Service Garage
in an ML-IM zone

All that parcel of land in the Twelfth District of Baltimore County

Being the property of Arthur Steiner & Borsuck Estate, as shown on plat plan
filed with the Zoning Department

Hearing Date: Thursday, August 30, 1979 at 10:00 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue,
Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

November 29, 1979

Eugene P. Smith, Esquire
19th Floor, 10 Light Street
Baltimore, Maryland 21202

RE: Petition for Special Exception
NE/S of Flood Road, 36' NW of
Rettman Lane - 12th Election
District
Arthur Steiner & Borsuck
Estate - Petitioners
NO. 80-56-X (Item No. 233)

Dear Mr. Smith:

I have this date passed my Order in the above referenced matter in
accordance with the attached.

Very truly yours,

[Signature]
WILLIAM E. HAMMOND
Zoning Commissioner

WEH/srl

Attachments

cc: Mr. & Mrs. Hunter Epperson
1928 Rettman Lane
Baltimore, Maryland 21222

Mr. John Huth
1901 Wills Road
Baltimore, Maryland 21222

Mr. Paul B. Leberknight
1924 Rettman Lane
Baltimore, Maryland 21222

Mr. Jules Faber
1911 Wills Road
Baltimore, Maryland 21222

John W. Hessian, III, Esquire
People's Counsel

Mr. Hunter J. Epperson
1929 Reisman Lane
Baltimore, Md. 21202

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

Special Exception.

Dear Sirs:

In reference to case No. 80-56-X assigned for, Thursday, June 5, 1980 at 10 A.M. we the people, long-time residents and property owner's within this part of the 12th district, do hereby request a postponement of said case to a future date, preferably to the latter part of August, due to good and efficient reasons.

(1) Jules Faber M.E. (marine engineer) has to complete assignment (sea) for, health and welfare, (family).

(2) To have so-called petitioners, Arthur Stiener and Samuel Borssuck, as well as resident agents, Messers Francis T. Leyden and Randolph Blair Esq. summoned to said hearing.

(3) To enquire as to having legal council represent our interest's, namely a good lawyer proficient in zoning regulations. Could you endorse a few?

(4) How can we acquire addresses of so-called petitioners?

(5) What procedure is necessary for issuing summons to same?

Any information pertaining to the above would and will be appreciated by we the people at issue with said petitioners who in selfishness, greed and disregard have reduced a former quite and beautiful community to harassment by truck and trailer.

Sincerely, Respectfully,
Hunter Epperson

P/S -- Mr. Epperson will act in our behalf during my absence. Thank you for your cooperation.

John Faber

May 2, 1980

① UNIVERSAL TRUCKING CORPORATION
OF DUNDALK, INC.

RES. AGT. FRANCIS T. LEYDEN
2301 PENROD COURT
UPPER MARLBORO, MD. 20870

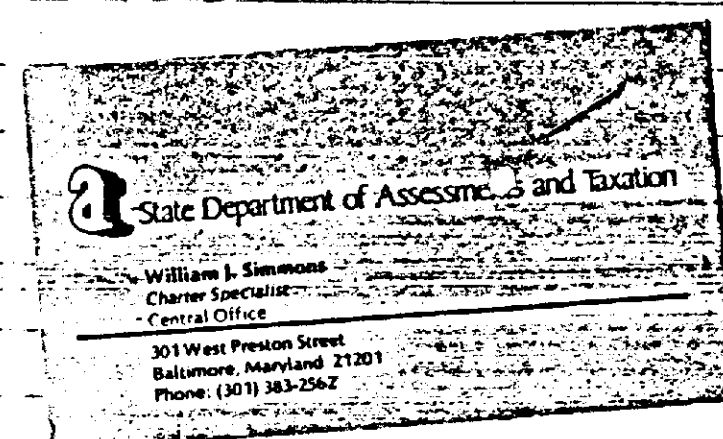
② ALBATROSS CONTAINER SERVICES, INC.

RES. AGT. RANDOLPH BLAIR, ESQ.
1794 - A MERRITT BOULEVARD
DUNDALK, MD. 21222

③ THE OWL CORPORATION, INC.

RES. AGT. FRANCIS T. LEYDEN
1936 REISMAN LANE
BALTO. MD. 21222

STATE CHARTER
383-3330
301 W. PRESTON ST.
ROOM 201



Property 2.16 acres 480 ft

NO. 17
3786
288-5270
6/11-31/80

S. Eric DiNenna
Attorney at Law
Suite 203 Alex. Brown Building
102 W. Pennsylvania Avenue
Towson, Maryland 21204
301 - 823-1630

June 16, 1980

County Board of Appeals
Room 218
Court House
Towson, Maryland 21204

RE: CASE NO. 80-56-X - ARTHUR STEINER & BORSSUCK ESTATE
My File No. 80-43

Dear Members of the Board:

Please be advised that I represent the Complainants in this matter and request that you enter my appearance on their behalf.

If you need any further information at this time, please do not hesitate to call upon me.

Very truly yours,
S. ERIC DINENNA

SED:fzt

ccs: Eugene P. Smith, Esquire
Counsel for Petitioners

John W. Hessian, III, Esquire
People's Counsel

Mr. Jules Faber

Mr. Hunter Epperson

RECEIVED
BALTIMORE COUNTY
JUN 17 12 57 PM '80
BY: [initials]

S. Eric DiNenna
Attorney at Law
Suite 203 Alex. Brown Building
102 W. Pennsylvania Avenue
Towson, Maryland 21204

301-823-1630
301-296-6402

November 12, 1980

County Board of Appeals
Room 218 Court House
Towson, Maryland 21204

RE: Case No. 80-56-X
ARTHUR STEINER & BORSSUCK ESTATE
My File No. 80-43

Dear Members of the Board:

As you recall, I represented the protestants in the above captioned matter at the hearing held on August 21, 1980. My clients have begun to question me as to the time that has elapsed since the date of hearing and the decision. Of course, I have advised them that this case is not the only case that is heard by the Board of Appeals and I certainly hope a decision will be forthcoming shortly.

If you will be so kind, would you please advise me as to when a decision on the case may be expected. I thank you in advance for your kind consideration and attention.

Very truly yours,
S. ERIC DINENNA

SED:cm

cc: Mr. Jules Faber
cc: Mr. Hunter Epperson
cc: Eugene P. Smith, Esquire
Counsel for Petitioners

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
December 18, 1980

Eugene P. Smith, Esq.
19th floor, 10 Light St.
Baltimore, Md. 21202

Dear Mr. Smith:

Re: Case No. 80-56-X
Arthur Steiner & Borssuck Estate

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,
June Holmen
June Holmen, Secretary

Encl.

cc: Mr. Arthur Steiner
Mr. & Mrs. H. Epperson
Mr. John Huth
Mr. Paul B. Leberknight
Mr. Jules Faber
S. Eric DiNenna, Esq.
John W. Hessian, III, Esq.
Mr. J. E. Dyer
Mr. William Hammond

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 12 Date of Posting: 9/17/79
Posted for: Petition for Special Exception
Petitioner: Arthur Steiner & Borssuck Estate
Location of property: NE 15 Flood Rd., 301 W. Preston Lane
Location of Signs: front of property (facing Flood Rd.)
Remarks: Gen'l Coleman
Posted by: Gen'l Coleman Date of return: 9/17/79

1 sign

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received * this 25 day of April 1979 Filing Fee \$ 500 Received ☒ Check ☐ Cash ☐ Other

S. Eric DiNenna
S. Eric DiNenna,
Zoning Commissioner

Petitioner: Steiner & Borssuck Estate Submitted by: K. Huth
Petitioner's Attorney: [blank] Reviewed by: CM

* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

4/25/80 - Notified the following of hearing scheduled for THURSDAY, JUNE 5, '80, at 10 a.m.

Eugene P. Smith, Esq. Counsel for Petitioners
Arthur Steiner Petitioner
Mr. & Mrs. Hunter Epperson Protestants
John Huth
Paul Leberknight
Jules Faber
J. W. Hessian
J. E. Dyer
Wm. Hammond

5/14/80 - The above scheduled hearing date was POSTPONED and reset for AUGUST 21 at 10 a.m.
The above people were notified as of this date.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 12 Date of Posting: 11/11/80
Posted for: Board of Appeals
Petitioner: Arthur Steiner & Borssuck Estate
Location of property: NE 15 Flood Rd., 301 W. Preston Lane
Location of Signs: entrance to property (facing Flood Rd.)
Remarks: Gen'l Coleman
Posted by: Gen'l Coleman Date of return: 1/25/80

1 sign

No. 85066

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: January 21, 1981 ACCOUNT: 01-712

AMOUNT: \$15.00

RECEIVED FROM: Walberg and Green, 10 Light St., Balto., Md. 21202

FOR: Case No. 80-56-X, Arthur Steiner & Borssuck Estate

NE 15 Flood Rd., 301 W. Preston Lane, 12th District

B 8095*****150000 \$215F

VALIDATION OR SIGNATURE OF CARRIER

No. 83077

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: July 31, 1979 ACCOUNT: 401-662

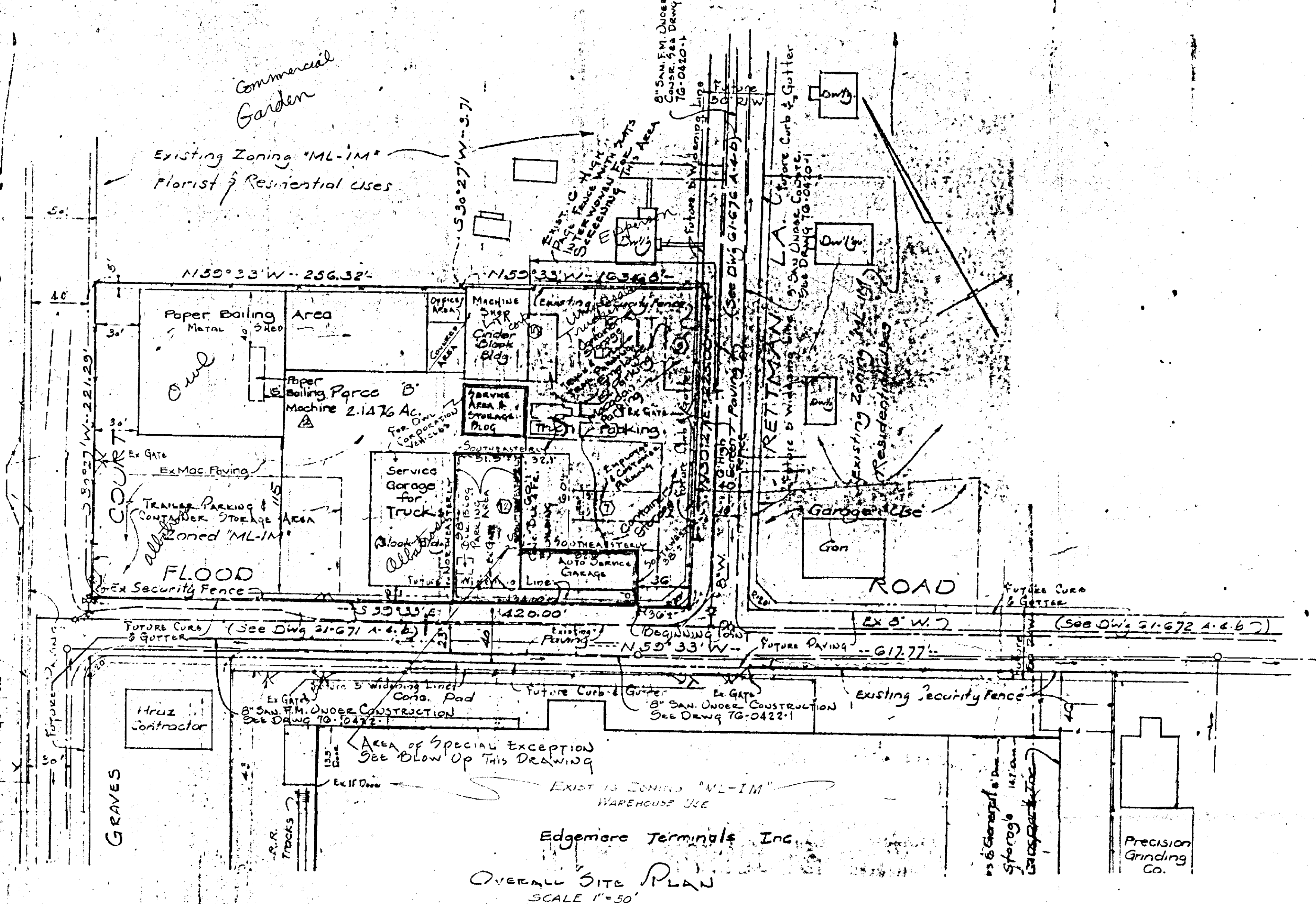
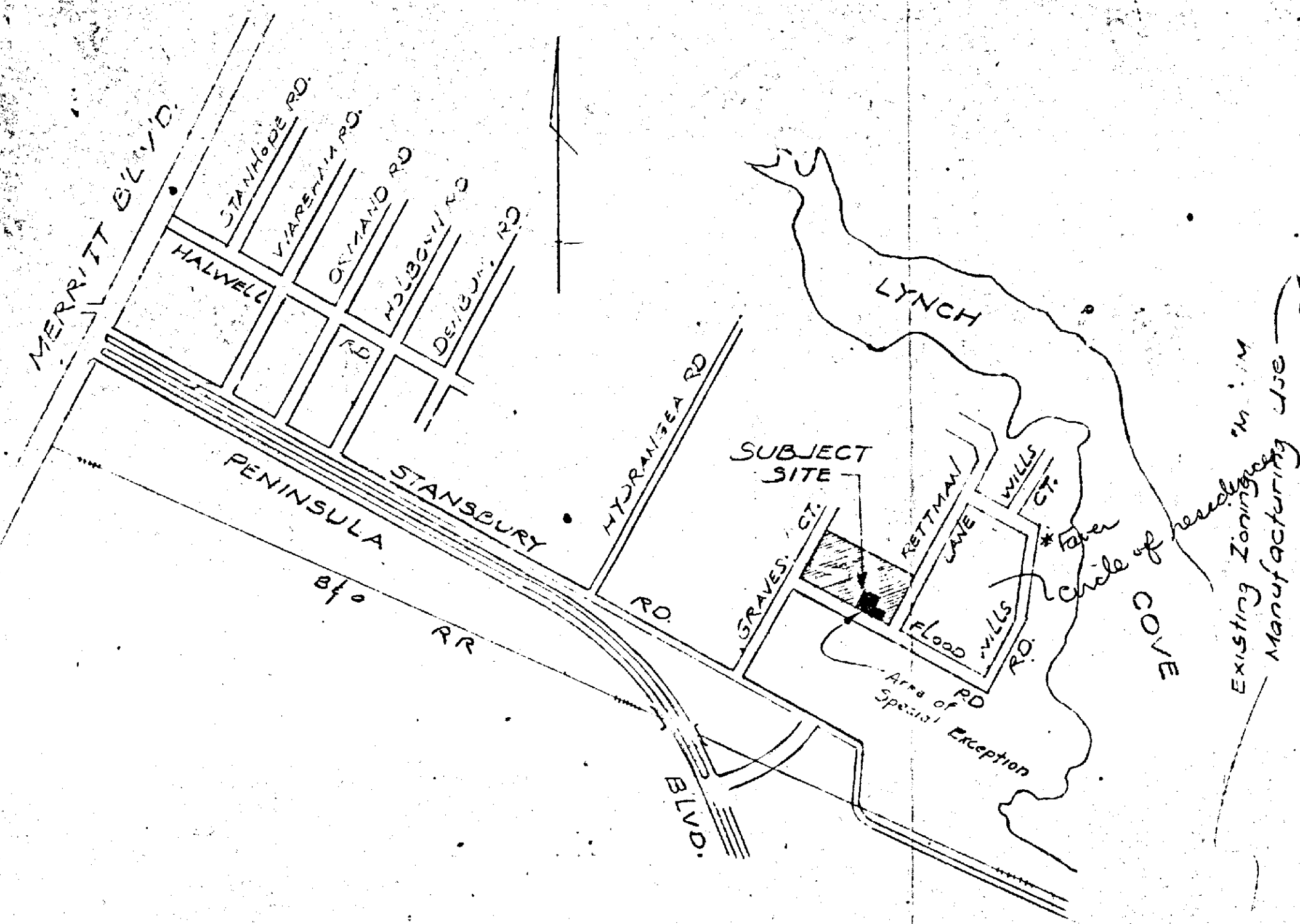
AMOUNT: \$50.00

RECEIVED FROM: K. Huth, Unemployed, Inc.

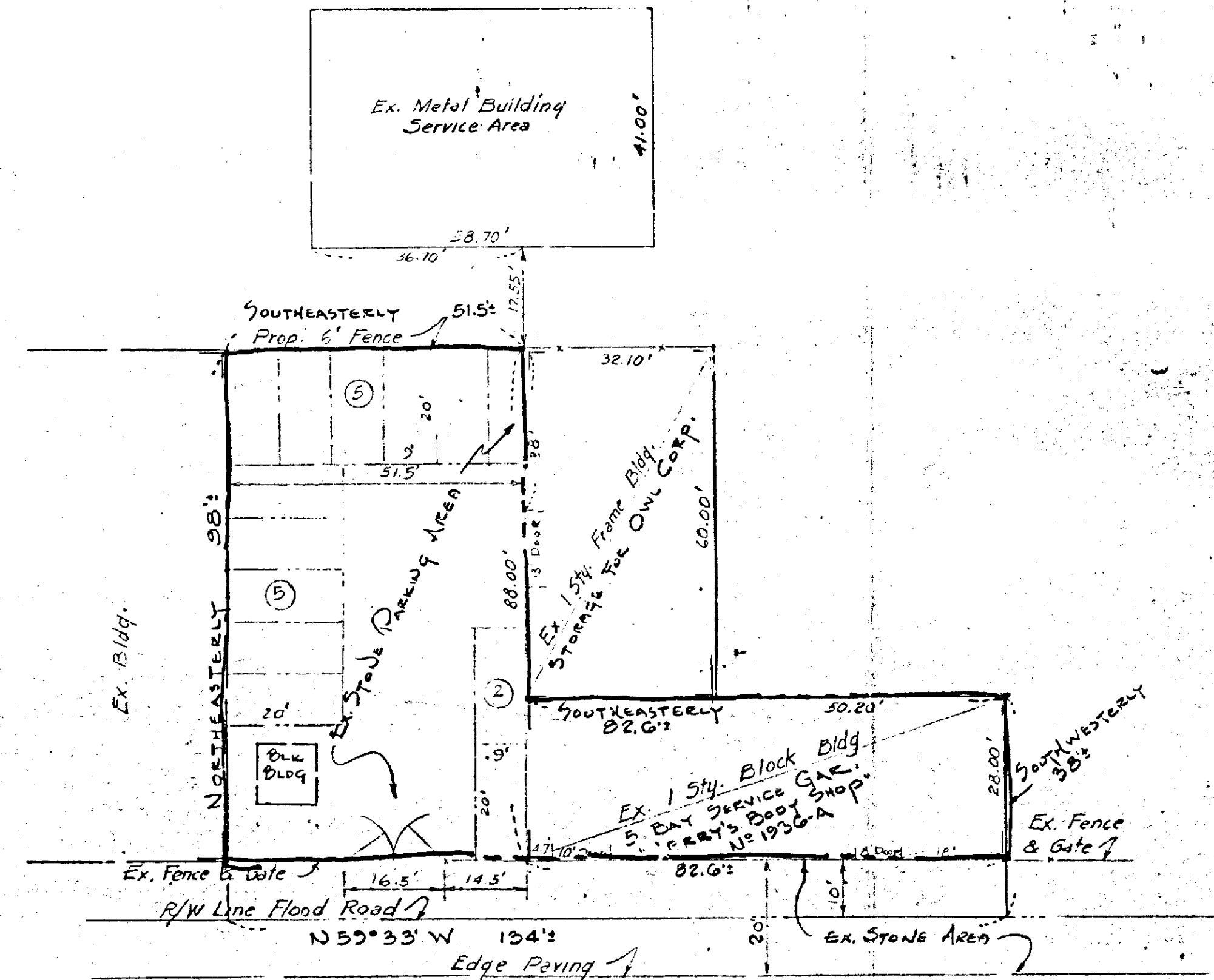
FOR: Filing Fee for Case No. 80-56-X

3772825 2 50.00 MC

VALIDATION OR SIGNATURE OF CARRIER



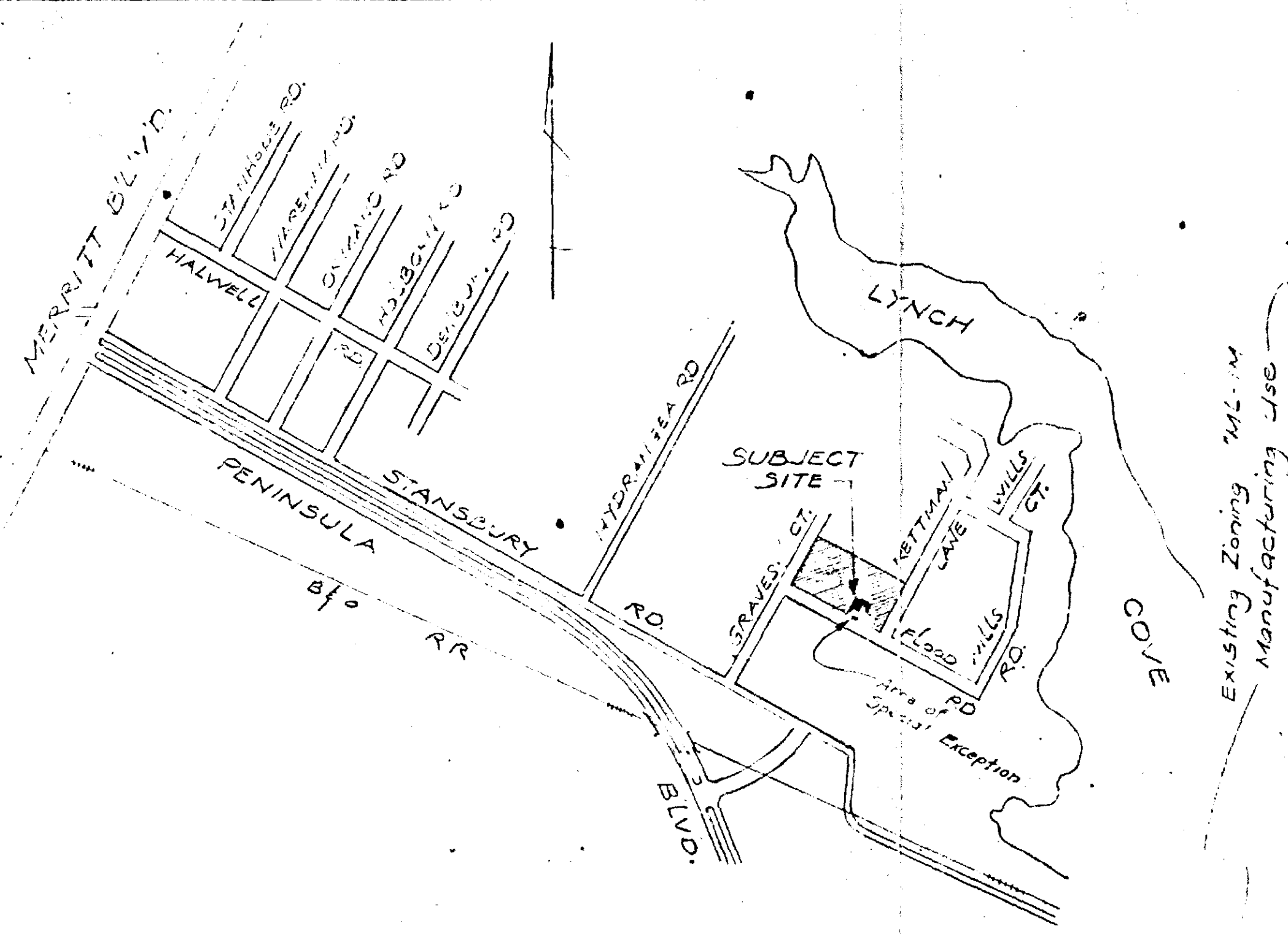
- GENERAL NOTES**
- Total Area of Property = 2.1476 Acres
 - Existing Zoning of Property = ML-IM
 - Existing Use of Property = Service Garage, Machine Shop & Service Yard for Refuse Collection Company
 - Proposed Zoning of Property = ML-IM & ML-IM with Special Exception
 - No changes to uses of Property
 - Off Street Parking Data:
 - A Machine Shop has 2 Employees Requiring 1 Space (1/2 Employees)
 - B Owl Corp. has 13 Employees Requiring 5 Spaces (1/2 Employees)
 - C Auto Service Garage = 2513 Sq. Ft. Requiring 6 Spaces (1/300'²)
 - D Total Spaces Required "On Site" = 14
 - E Total Spaces Proposed "On Site" = 34 (1215 In Service Garage & 17 Spaces For Service Garage)
 - AREA OF SPECIAL EXCEPTION FOR THE SERVICE GARAGE = 0.19 ACRES
 - Service Garage Use is for Body & Fender repairs of Automobiles & Trucks under 3/4 Ton
 - Hours of Operation are from 8:00 A.M. to 6:00 P.M. Monday thru Friday and from 8:00 A.M. to 1:00 P.M. Saturdays.
 - All Work is Performed Inside The Building
 - Utilities Exist To The Site
 - Site is Located Within Lynch Cove Drainage Area



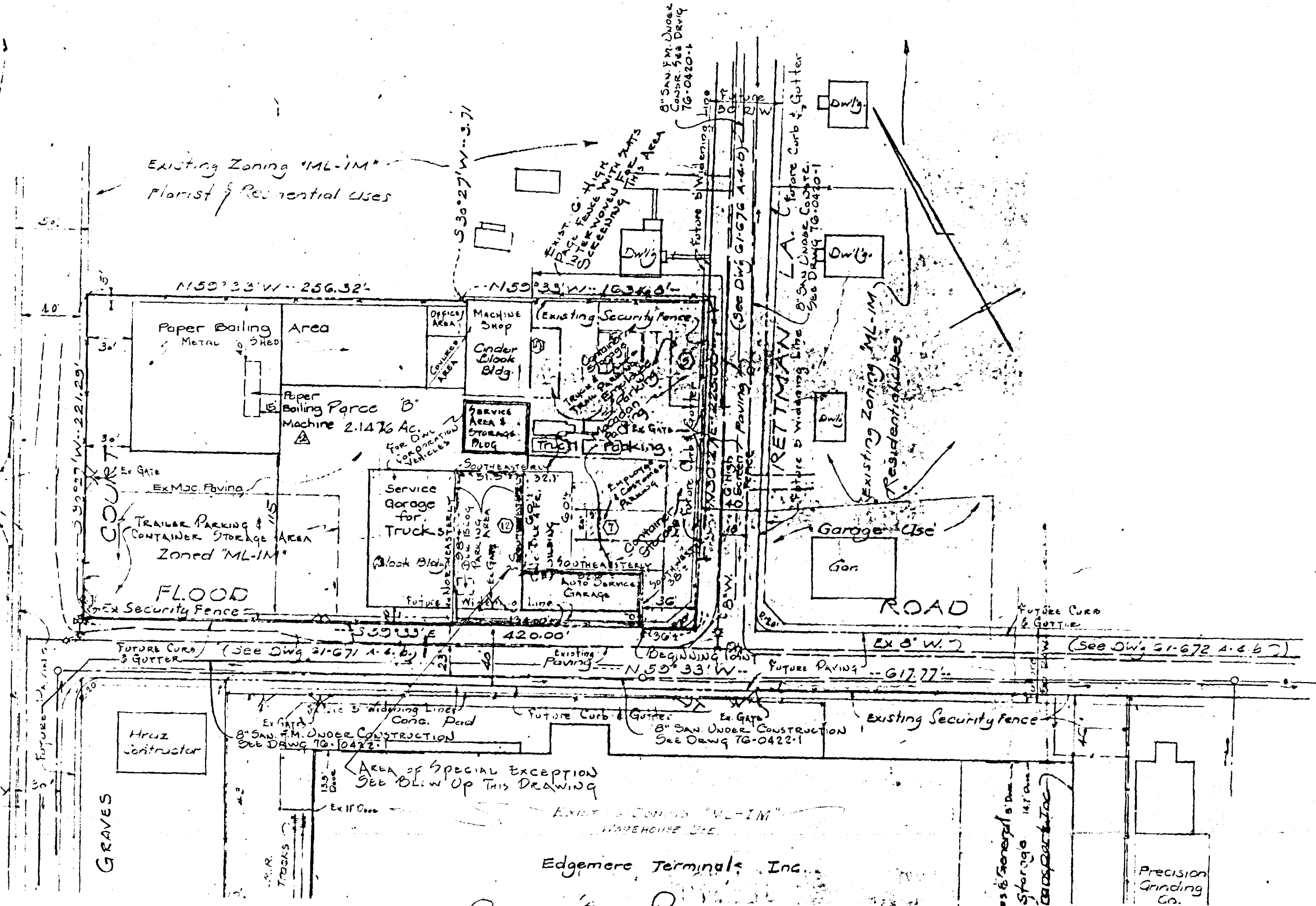
PETITIONER'S EXHIBIT
No 1

PLAT TO ACCOMPANY PETITION
FOR
SPECIAL EXCEPTION
VICINITY
FLOOD ROAD & RETTMAN LANE
No 1936-A FLOOD ROAD
ELECT. DIST. 12 BALTIMORE CO., MD
SCALE: AS SHOWN MARCH 1, 1979

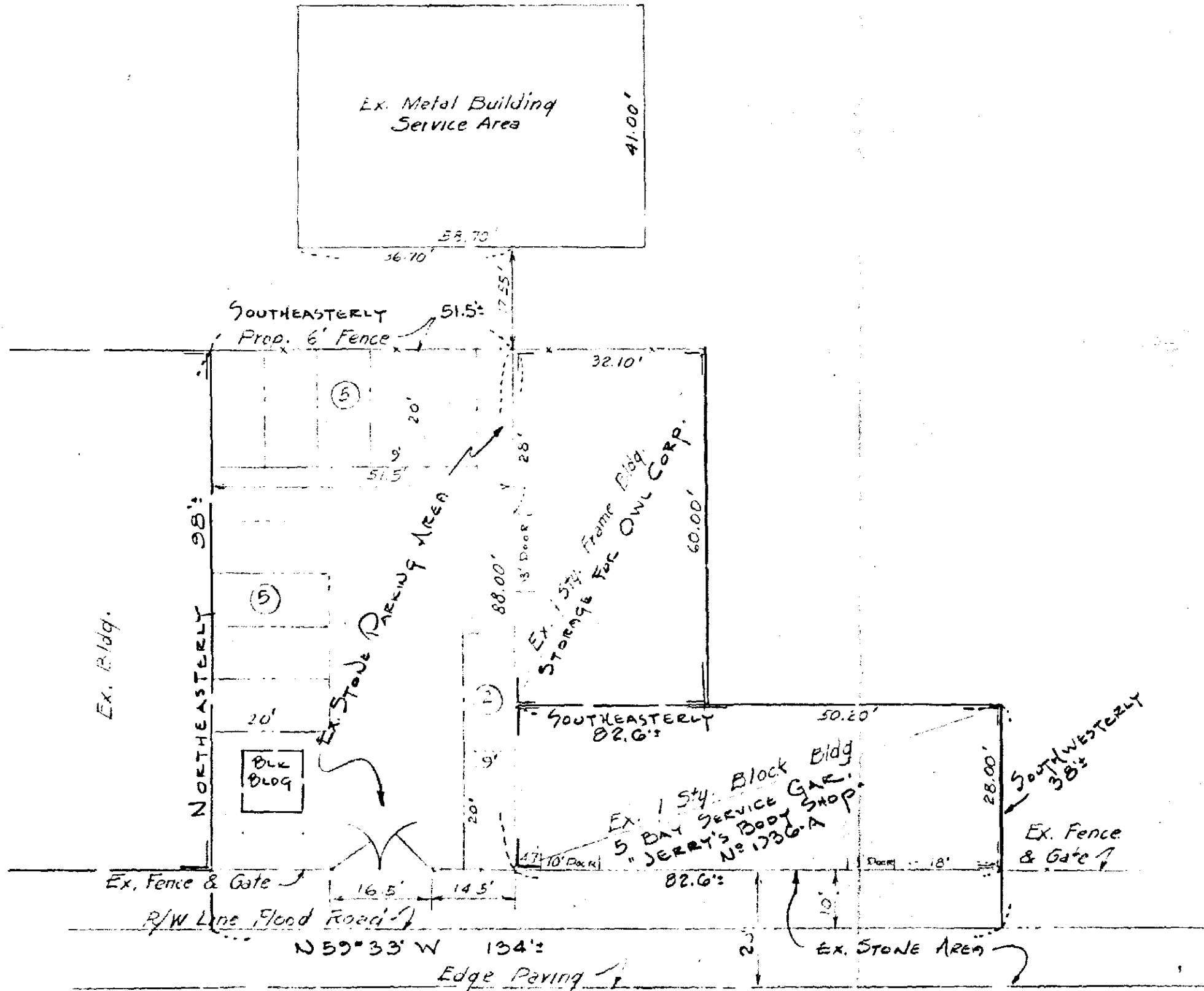




LOCATION PLAN
1"=500'



OVERALL SITE PLAN
SCALE 1"=50'



SITE PLAN OF SERVICE GARAGE
SCALE 1"=20'

GENERAL NOTES

- Total Area of Property = 2.1476 Acres
- Existing Zoning of Property = ML-IM
- Existing Use of Property: Service Garage, Machine Shop & Service Yard for Refuse Collection Company
- Proposed Zoning of Property ML-IM & ML-IM with Special Exception
- No changes to Uses of Property
- Off Street Parking Data:
 - Machine Shop has 2 Employees Requiring 1 Space (1/2 Employees)
 - Owl Corp. has 13 Employees Requiring 5 Spaces (1/2 Employees)
 - Auto Service Garage - 2813 Sq. Ft. Requiring 2 Spaces (1/300'F)
 - Total Spaces Required "On Site" = 14
 - Total Spaces Proposed "On Site" = 34 (1215 in Service Garage = 17 Spaces For Service Garage)
- Area of Special Exception For The Service Garage = 0.19 Acres
- Service Garage Use is for Body & Fender repairs of Automobiles & Trucks
- Hours of Operation are from 8:00 A.M. to 6:00 P.M. Monday thru Friday and from 8:00 A.M. to 1:00 P.M. Saturdays.
- All Work Is Performed Inside The Building
- Utilities Exist To The Site
- Site Is Located Within Lynch Cove Drainage Area

PLAT TO ACCOMPANY PETITION
FOR
SPECIAL EXCEPTION
VICINITY
FLOOD ROAD & RETTMAN LANE
Nº 1936-A FLOOD ROAD
ELECT. DIST. 12 BALTIMORE CO., MD
SCALE As Shown MARCH 1, 1979



MAP	12
ELECTION	12
DIST.	12
DATE	5-2-79
TITLE	SC
BY	12
BY	12

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of _____

the above Reclassification should be had; and it further appearing that by reason of _____

a Special Exception for a _____ should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this _____ day of _____, 1979, that the herein described property or area should be and the same is hereby reclassified; from a _____ zone to a _____ zone, and/or a Special Exception for a _____ should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above Petition and it appearing that by reason of failure to meet the requirements of Section 502.1 of the Baltimore County Zoning Regulations, the Special Exception for a service garage should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 29th day of November, 1979, that the herein Petition for Special Exception for a service garage be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING

DATE

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204

THORNTON M. MOURING, P.E.
DIRECTOR

July 6, 1979

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #233 (1978-1979)
Property Owner: Arthur Steiner & Borsuck Estate
N/S Flood Rd. 36' N/W Rettman La.
Existing Zoning: M.L.-I.M.
Proposed Zoning: Special Exception for a service garage.
Acres: 0.19 District: 12th

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

This 0.19 acre site is a portion of an overall larger 2.15 acre tract of land, the subject of Building Permit Application 18-65 ("Trident Corporation" - Boat Repair Shed).

Highways:

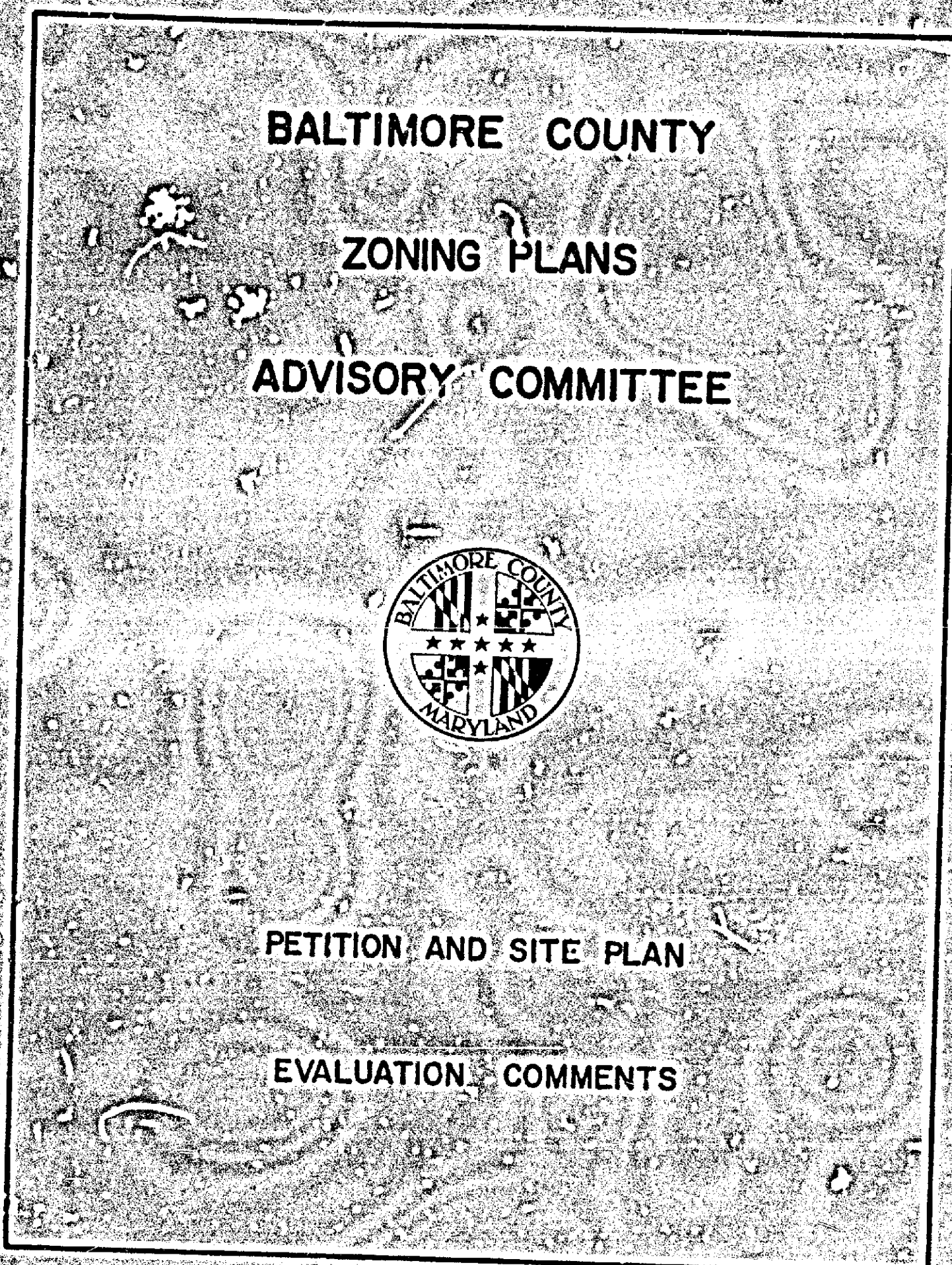
Flood Road, Graves Court and Rettman Lane, existing public roads, are proposed to be improved in the future as 40-foot closed section roadways on a 50-foot right-of-way (Graves Court), and 60-foot rights-of-way for Flood Road and Rettman Lane.

Highway rights-of-way widenings, including fillet areas for sight distance at the intersections and any necessary reversible easements for slopes, will be required in connection with any grading or building permit application.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.



Item #233 (1978-1979)
Property Owner: Arthur Steiner & Borsuck Estate
Page 2
July 6, 1979

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewer:

There are public 8-inch water mains in Flood Road and Rettman Lane, and public sanitary sewerage is under construction (Job Order 1-2-477, Contract 77271-SXO) as indicated which will serve this property.

Fire hydrants exist at the intersections of Flood Road and Graves Court, Flood Road and Willis Road, and Rettman Lane and Willis Road.

Very truly yours,

Ellsworth N. Diver, P.E.
Chief, Bureau of Engineering

END:EAM:FWR:ss

cc: J. Trenner
S. Bellestri
W. Munchel

E-SW Key Sheet
15 SE 23 Pos. Sheet
SE 4 F Topo
103 Tax Map

B & S Investments
Attn: Mr. Arthur Steiner
P.O. Box 134
Annapolis, Maryland 21404

cc: Kidde Consultants, Inc.
1025 Cromwell Bridge Road
Baltimore, Maryland 21204

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 13th day of July, 1979.

WILLIAM E. HAMMOND
Zoning Commissioner

Petitioner: B & S Investments
Petitioner's Attorney: _____

Reviewed by: Nicholas B. Commodari
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 17, 1979

cc: B & S Investments

Attn: Mr. Arthur Steiner
P.O. Box 134
Annapolis, Maryland 21404

RE: Petitioner - Arthur Steiner and Borsuck Estate - Item No. 233 Special Exception Petition

Gentlemen:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced Petition and has made an on-site field inspection of the property. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

The subject of this Petition is presently being utilized as a service garage operation and is part of a larger tract of land located at the intersection of Flood Road and Rettman Lane, in the 12th Election District. The entire property is the subject of an active zoning violation (Case No. 78-227-V). One decision that has resulted from this case is that the existing service garage operation be legalized through this Special Exception request.

If this Petition is granted and at the time of application for the necessary building permits, the site plan must be revised to indicate a paved surface for the parking area adjacent to the existing building.

Enclosed are all comments submitted from the Committee to this office. The remaining members felt that no comment was warranted. This Petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30 nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC/ef

Enclosures

cc: Kidde Consultants, Inc.
1020 Cromwell Bridge Road
Baltimore, Maryland 21204

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 494-3211

LESLIE H. GRAEF
DIRECTOR

July 13, 1979

Mr. William Hammond, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #233, Zoning Advisory Committee Meeting, May 8, 1979, are as follows:

Property Owner: Arthur Steiner and Borsuck Estate
Location: NE/S Flood Road 36' NW Rettman Lane
Existing Zoning: M.L.-I.M.
Proposed Zoning: Special Exception for a service garage
Acres: 0.19
District: 12th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

John L. Wimbley
Planner III
Current Planning and Development

Baltimore County
Department of Traffic Engineering
TOWSON, MARYLAND 21204
(301) 494-3550

STEPHENE E. COLLINS
DIRECTOR

July 11, 1979

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 233 -ZAW- Meeting of May 8, 1979
Property Owner: Arthur Steiner & Borsuck Estate
Location: NE/S Flood Rd. 36' NW Rettman La.
Existing Zoning: M.L.-I.M.
Proposed Zoning: Special Exception for a service garage
Acres: 0.19
District: 12th

Dear Mr. Hammond:

No major traffic problems are anticipated by the requested special exception for a service garage.

Very truly yours,

Michael S. Flanagan
Engineer Associate II

MSE/mja

June 22, 1979

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #233, Zoning Advisory Committee meeting of
May 8, 1979, are as follows:

Property Owner: Arthur Steiner & Borssuck Estate
Location: NE/S Flood Rd. 36' NW Rettman La.
Existing Zoning: M.L. - I.M.
Proposed Zoning: Special Exception for a service garage
Acres: 0.19
District: 12

The service garage is presently served by metropolitan water and
a private sewage disposal system. Metropolitan sewer is under construction
and when completed, the service garage must be connected to public sewer
and the existing septic system properly abandoned.

Very truly yours,
[Signature]
Ian J. Forrest
Director
BUREAU OF ENVIRONMENTAL SERVICES

LJF/JRP:ph

IN THE MATTER OF CASE NO. 80-56-X BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY - RE: PETITION FOR SPECIAL EXCEPTION FOR SERVICE GARAGE IN AN M.L.-IM ZONE, NE/SIDE FLOOD ROAD, 36' NW OF RETTMAN LANE, 12TH DISTRICT, ARTHUR STEINER & BORSSUCK ESTATE, PETITIONERS

PETITION PERFECTING APPEAL FROM ACTION OF THE
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Petition of Arthur Steiner and Borssuck Estate, and
The Owl Corporation, Appellants in this case, respectfully repre-
sent unto your Honor:

1. That they entered an appeal to the County Board of
Appeals (Board), from the decision of the Zoning Commissioner of
Baltimore County, in Case No. 80-56-X, and were parties to the
aforesaid appeal proceedings before the Board; that they are
directly aggrieved by the Order passed by the Board in said pro-
ceedings, from which they entered the subject appeal, as hereinafter
set forth; and that they have a direct and immediate interest in
the subject matter of the appeal herein, which interest has been
adversely affected by the action of the Board in its aforesaid
Case No. 80-56-X.

2. That pursuant to the provisions of Chapter 1100 of
the Maryland Rules of Procedure, they heretofore entered with this
Court, an appeal from the December 18, 1980 Order of the Board;
and that this Petition, setting forth the action appealed from,
the error committed by the Board in taking such action, and the
relief sought by the Appellants, is designed to perfect such appeal

Paul H. Reinecke
CHIEF

July 12, 1979

William E. Hammond
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: N. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: Arthur Steiner & Borssuck Estate

Location: NE/S Flood Rd. 36' NW Rettman La.

Item No. 233 Zoning Agenda Meeting of 5/8/79

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this
Bureau and the comments below marked with an "x" are applicable and required
to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be
located at intervals of _____ feet along an approved road in
accordance with Baltimore County Standards as published by the
Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____
EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the
Fire Prevention Code prior to occupancy or beginning of operations.
- (x) 5. The buildings and structures existing or proposed on the site shall
comply with all applicable requirements of the National Fire Pro-
tection Association Standard No. 101 "Life Safety Code", 1976
Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED BY: *[Signature]* Noted and Approved: *[Signature]*
Planning Group Fire Prevention Bureau
Special Inspection Division

in accordance with the requirements of said Chapter 1100 of the
Maryland Rules.

3. That by its Order passed on December 18, 1980, copy
of which is attached hereto and made part hereof, the Board denied
a special exception for a service garage on a .19 acre parcel of
land (subject premises) lying on the northeast side of Flood Road,
approximately 36 feet northwest of Rettman Lane, in the Twelfth
Election District of Baltimore County, Maryland, located in the
ML Zone (Manufacturing, Light) and IM district (Industrial, Major),
as requested and permitted under Section 253.2B of the Zoning
Regulations of Baltimore County.

4. That the aforesaid December 18, 1980 Order of the
Board was illegal, arbitrary, capricious and erroneous because
said Order of the Board was not supported by substantial evidence,
and, in fact, contravened the uncontradicted testimony which
showed that:

(a) the special exception for the service garage
would not: be detrimental to the health, safety, or general wel-
fare of the locality involved; tend to create congestion in roads
or streets in the vicinity; create a potential hazard from fire,
panic, or other dangers; tend to overcrowd land or cause undue
concentration of population; interfere with public requirements,
conveniences, or improvements; or interfere with adequate light
and air; all as required by Section 502.1 of the Zoning Regulations
of Baltimore County;

(b) the proposed service garage would be located in
an M.L. Zone and in an I.M. district, with no direct access to any
arterial street, and that such use would service primarily the
industrial uses and related activities in the surrounding industrial
area; and

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Nick Commodari
FROM: Charles E. Burnham
SUBJECT: Zoning Advisory Committee
Meeting May 8, 1979

Date: May 15, 1979

ITEM NO. 230 Standard Comment
ITEM NO. 231 Standard Comment
ITEM NO. 232 Standard Comment
✓ ITEM NO. 233 Standard Comment
ITEM NO. 172 REVISED See Revised Comments

[Signature]
Charles E. Burnham, Chief
Plans Review

CEB:rrj

(c) the grant of the special exception would bene-
fit the general public and serve other proper purposes by retain-
ing in the industrial area those already engaged therein; and
thereby freeing other areas from the impact of unnecessary traffic
and demand for street parking.

WHEREFORE, the Appellants respectfully pray:

- (a) That the Order of the Board in the instant case be
reversed, and that the Petition for Special Exception for a service
garage in the M.L. Zone and I.M. District be granted; and
- (b) For such other and further relief as the nature of
their case may require.

AND, AS IN DUTY BOUND, ETC.

[Signature]
Eugene P. Smith
14th Floor, Equitable Bank Center
100 South Charles Street
Baltimore, Maryland 21201
(301) 332-8713

Attorney for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Petition was
heretofore served on the County Board of Appeals of Baltimore County,
whose action is appealed from, by leaving copy thereof with June
Holman, Secretary of the Board, Room 219, Court House, Towson, Maryland,
21204, this 16th day of January, 1981.

[Signature]
Eugene P. Smith

BALTIMORE COUNTY
CLERK
JAN 16 8 55 AM '81
COMM. 12-80
12-80

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: May 7, 1979

Mr. S. Eric DiNenna
Zoning Commissioner
Baltimore County Office Building
Towson, Maryland 21204

Z.A.C. Meeting of: Meeting of May 8, 1979

RE: Item No: 230, 231, 232, 233
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. DiNenna:

All of the above have no bearing on student population.

Very truly yours,

[Signature]
W. Nick Petrovich,
Field Representative

WNP/bp

JOSEPH H. MCGOWAN, PRESIDENT
T. DAYARD WILLIAMS, JR., VICE-PRESIDENT
MARCUS M. BOTKARIS

THOMAS H. BOYER
MRS. LORNAE F. CHURCH
ROGER B. HAYDEN
ROBERT Y. DUDEL, SUPERINTENDENT

ALVIN LORECK
MRS. MILTON R. SMITH, JR.
RICHARD W. TRACEY, D.V.M.

RE: PETITION FOR SPECIAL EXCEPTION
for Service Garage in an M.L.-IM Zone
NE/Side Flood Road, 36' NW of
Rettman Lane
12th District
Arthur Steiner & Borssuck Estate,
Petitioners

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 80-56-X

OPINION

This case comes before the Board on an appeal by the Petitioners from the
decision of the Zoning Commissioner which denied a Special Exception for a Service Garage
at the subject property. The subject property is located in the 12th Election District at
1936A Flood Road, which is approximately 36 feet northwest of Rettman Lane. The entire
area of the subject property is approximately 2.1476 acres and all of this subject area is
zoned ML-IM.

The Petition seeks a Special Exception for 0.19 acres of the subject
property. This area for the proposed Special Exception is delineated in red on Petitioners'
Exhibit #1. If the Petitioners are successful, it is their intention to lease this property to a
separate service garage operator. The Petitioners proposed that the service garage use would
be limited to body and fender repairs for automobiles and for trucks that do not exceed
3/4 ton in size. The Petitioners also offered to limit the hours of operations and noted that
all work would be performed inside the existing building.

The Board received and reviewed various photographs offered by the
People's Counsel and the Proponents. Richard L. Smith, a Civil Engineer, testified on
behalf of the Petitioners and advised the Board that public sewer and water are available
to serve the site and that no expansion of the existing building is contemplated. Mr. Smith
also told the Board that, in his judgment, the use proposed at the subject property would
satisfy Section 502.1 of the Zoning Regulations.

Several neighborhood residents testified in opposition to the granting of this
Petition. A primary concern of these residents is the existing traffic that utilizes Flood Road.

A Special Exception in this instance is sought under Sec. 253.2-B-3 which permits, by way of a Special Exception, in ML zones, a service garage. Such use would be an auxiliary service use in the ML-IM district, "provided further that it is shown that any such use will serve primarily the industrial uses and related activities in the surrounding industrial area". It is the Petitioners' contention that this element is satisfied as the proposed service garage would be for the vehicles of the employees that work in the surrounding ML-IM area. The Petitioners' evidence on this element is, frankly, weak. Coupling these factors with the very stringent requirements of Sec. 502.1, it is the conclusion of the Board that the Petitioners have failed to carry their burden of proof.

The Board has carefully reviewed the testimony and evidence presented and is not satisfied that, if this service garage is permitted to operate at this site, the provisions of Sec. 502.1 can be satisfied. Hence, for this reason, the Petition will be denied.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 18th day of December, 1980, by the County Board of Appeals, ORDERED that the special exception for Service Garage in an ML-IM zone petitioned for, be and the same is hereby DENIED.

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Reiter, Jr., Chairman
Patricia Millhouser

John V. Murphy

IN THE MATTER OF CASE NO. 80-56-X BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY - RE: PETITION FOR SPECIAL EXCEPTION FOR SERVICE GARAGE IN AN ML-IM ZONE, NE/SIDE FLOOD ROAD, 36' NW OF RETTMAN LANE, 12TH DISTRICT, ARTHUR STEINER & BORSSUCK ESTATE, PETITIONERS

ORDER FOR APPEAL FROM ACTION OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MR. CLERK:

Please enter an appeal on behalf of Arthur Steiner and Borssuck Estate, and The Owl Corporation, Petitioners, from the Order of the County Board of Appeals of Baltimore County, entered in the above entitled case on December 18, 1980, denying the special exception for service garage in an ML Zone, IM district, petitioned for.

Eugene P. Smith
14th Floor, Equitable Bank Center
100 South Charles Street
Baltimore, Maryland 21201
(301) 332-8713

Attorney for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Order for Appeal was heretofore served on the County Board of Appeals of Baltimore County, whose action is appealed from, by leaving copy thereof with June Holman, Secretary of the Board, Room 219, Court House, Towson, Maryland 21204, this 16th day of January, 1981.

Eugene P. Smith
Attorney for Appellants

RE: PETITION FOR SPECIAL EXCEPTION for Service Garage in an ML-IM Zone NE/Side Flood Rd., 36' NW of Retman Lane, 12th District

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

Arthur Steiner & Borssuck Estate, Petitioners-Appellants

Zoning File No. 80-56-X

Misc. Docket No. 13

Folio No. 51

File No. 7401

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, Walter A. Reiter, Jr., Patricia Millhouser, and John V. Murphy, constituting the County Board of Appeals of Baltimore County, have given notice by mail for the filing of the appeal to the representative of every party to the proceeding before it; namely, Eugene P. Smith, Esq., 19th floor, 10 Light Street, Baltimore, Maryland 21202, Counsel for the Petitioners; Arthur Steiner, General Partner, B & S Investments, P. O. Box 134, Annapolis, Maryland 21404, Petitioner; Mr. and Mrs. Hunter Epperson, 1928 Retman Lane, Baltimore, Maryland 21222, Mr. John Huth, 1901 Willis Road, Baltimore, Maryland 21222, Mr. Paul B. Leberknight, 1924 Retman Lane, Baltimore, Maryland 21222, and Mr. Jules Faber, 1911 Willis Road, Baltimore, Maryland 21222, Protestants; S. Eric DiNenna, Esq., Alex. Brown Building, 102 W. Pennsylvania Avenue, Towson, Maryland 21204, Counsel for the Protestants; and John W. Hession, III, Esq., People's Counsel for Baltimore County, Court House, Towson, Maryland 21204, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

June Holman
County Board of Appeals of Baltimore County
Rm. 219, Court House, Towson, Md. 21204
Telephone 494-3180

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to Eugene P. Smith, Esq., 19th floor, 10 Light Street, Baltimore, Maryland 21202, Counsel for the Petitioners; Arthur Steiner, General Partner, B & S Investments, P. O. Box 134, Annapolis, Maryland 21404, Petitioner; Mr. and Mrs. Hunter Epperson, 1928 Retman Lane, Baltimore, Maryland 21222, Mr. John Huth, 1901 Willis Road, Baltimore, Maryland 21222, Mr. Paul B. Leberknight, 1924 Retman Lane, Baltimore, Maryland 21222, and Mr. Jules Faber, 1911 Willis Road, Baltimore, Maryland 21222, Protestants; S. Eric DiNenna, Esq., Alex. Brown Building, 102 W. Pennsylvania Avenue, Towson, Maryland 21204, Counsel for the Protestants; and John W. Hession, III, Esq., People's Counsel for Baltimore County, Court House, Towson, Maryland 21204, on this 16th day of January, 1981.

June Holman
County Board of Appeals of Baltimore County

cc: J. E. Dyer
W. Hammond
Sandra Jones
J. Howell

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

April 25, 1980

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 80-56-X ARTHUR STEINER & BORSSUCK ESTATE
SE-Service Garage in ML-IM Zone
NE/S Flood Rd., 36' NW of Retman Lane
12th District
11/29/79--Z. C. (Hammond) DENIED Petition for Special Exception for a service garage

ASSIGNED FOR: THURSDAY, JUNE 5, 1980, at 10 a.m.

cc: Eugene P. Smith, Esq. Counsel for Petitioners

Arthur Steiner Petitioner

Mr. and Mrs. Hunter Epperson Protestants

John Huth

Paul B. Leberknight

Jules Faber

John W. Hession, III, Esq. People's Counsel

James E. Dyer Zoning

William Hammond

June Holman, Secretary

August 17, 1979 Comments of Baltimore County Zoning Plans Advisory Committee filed

August 30, " At 10 a.m. hearing held on petition by Zoning Commissioner

November 29, " Order of Zoning Commissioner denying special exception

December 13, " Order of Appeal to County Board of Appeals from Order of Zoning Commissioner

August 21, 1980 Hearing on appeal before County Board of Appeals

December 18, " Order of County Board of Appeals denying the special exception

January 16, 1981 Order for Appeal filed in the Circuit Court for Baltimore County by Eugene P. Smith, Esq., on behalf of Petitioners

January 16, " Petition to accompany Order for Appeal filed in the Circuit Court for Baltimore County

January 16, " Certificate of Notice sent to all interested parties

February 12, " Transcript of testimony filed - 1 volume

Petitioners' Exhibit No. 1 - Plat of Civil Engineer, 3/1/79.

People's Counsel Exhibit No. 1 - 1A thru 1K - Photographs of site and surrounding area

Protestants' Exhibits - A1 thru A5 - Photographs

" " - B1 thru B11 - Photographs

February 13, " Record of proceedings filed in the Circuit Court for Baltimore County

Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County, as are also the use district maps, and your respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your respondents will produce any and all such rules and regulations, together with the zoning use district maps at the hearing on this petition, or whenever directed to do so by this Court.

Respectfully submitted,

Eugene P. Smith, Esq.
S. C. DiNenna, Esq.
J. W. Hession, Esq.

June Holman, County Board of Appeals of Baltimore County

RE: PETITION FOR SPECIAL EXCEPTION for Service Garage in an ML-IM Zone NE/S Flood Rd., 36' NW of Retman Lane, 12th District

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

Arthur Steiner & Borssuck Estate, Petitioners-Appellants

Zoning Case No. 80-56-X

Misc. Docket No. 13

Folio No. 51

File No. 7401

ANSWER TO PETITION ON APPEAL

The People's Counsel for Baltimore County, Appellee herein, answers the Petition on Appeal filed by the Appellant, viz:

- Appellee admits the allegations of Paragraphs 1-3 of the Petition.
- Appellee denies the allegations of Paragraph 4 of the Petition, and each subparagraph thereof.
- Appellee further states that the decision of the Board of Appeals of Baltimore County was reasonable and based on substantial evidence before it, and that said decision should therefore be sustained as being properly and legally made.

AND AS IN DUTY BOUND, etc.,

John W. Hession III
John W. Hession, III
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 28th day of January, 1981, a copy of the foregoing Answer to Petition on Appeal was mailed to Eugene P. Smith, Esquire, 14th Floor, Equitable Bank Center, 100 S. Charles Street, Baltimore, Maryland 21201; and S. Eric DiNenna, Esquire, Alex. Brown Building, 102 W. Pennsylvania Avenue, Towson, Maryland 21204.

Peter Max Zimmerman
Peter Max Zimmerman

RE: PETITION FOR SPECIAL EXCEPTION for Service Garage in an ML-IM Zone NE/Side Flood Rd., 36' NW of Retman Lane, 12th District

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

Arthur Steiner & Borssuck Estate, Petitioners-Appellants

Zoning File No. 80-56-X

Misc. Docket No. 13

Folio No. 51

File No. 7401

CERTIFIED COPIES OF PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Walter A. Reiter, Jr., Patricia Millhouser, and John V. Murphy, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY

No. 80-56-X

- July 13, 1979 Petition of Arthur Steiner and Borssuck Estate for special exception for Service Garage in an ML-IM Zone on property located on the northeast side of Flood Road, 36' NW of Retman Lane, 12th District - filed
- July 13, " Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for August 30, 1979, at 10 a.m.
- August 13, " Certificate of Posting of property - filed
- August 17, " Certificate of Publication in newspaper - filed
- August 10, " Comments of Baltimore County Director of Planning - filed

County Board of Appeals
Room 218 Court House
TOWSON, MARYLAND 21204

May 14, 1980

NOTICE OF POSTPONEMENT and REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ARGUABLY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 80-56-X ARTHUR STEINER & BORSSUCK ESTATE
SE-Service Garage in ML-IM Zone
NE/S Flood Rd., 36' NW of Rettman Lane
12th District
11/29/79 - Z.C. (Hammond) DENIED Petition for Special Exception for a service garage

The above case, scheduled for hearing on THURSDAY, JUNE 5, 1980, at 10 a.m.

HAS BEEN POSTPONED by the Board at the request of the Protestants, and

REASSIGNED FOR: THURSDAY, AUGUST 21, 1980, at 10 a.m.

cc: Eugene P. Smith, Esq. Counsel for Petitioners

Mr. Arthur Steiner Petitioner
Mr. & Mrs. H. Epperson Protestants
Mr. John Huth "
Mr. Paul B. Leberknight "
Mr. Jules Faber "
John W. Hessian, III, Esq. People's Counsel
Mr. J. E. Dyer Zoning
Mr. William Hammond "

Eric DiNenna

June Holmen, Secretary

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
NE/S of Flood Rd., 36'
NW of Rettman Lane, 12th District : OF BALTIMORE COUNTY

ARTHUR STEINER & BORSSUCK ESTATE, : Case No. 80-56-X
Petitioners

ORDER TO ENTER APPEARANCE

Mr. Commissioners:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

John W. Hessian, III
John W. Hessian, III
People's Counsel for Baltimore County
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 13th day of August, 1979, a copy of the foregoing Order was mailed to Mr. Arthur Steiner, Partner, B & S Investments, P. O. Box 134, Annapolis, Maryland 21404, Petitioner.

John W. Hessian, III
John W. Hessian, III

NOTICE OF POSTPONEMENT. Counsel shall contact each other immediately to confirm attendance. Chain of not receiving notice will not constitute reason for postponement. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ARGUABLY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108. SETTLEMENT CONFERENCES. All counsel must secure the attendance of all parties necessary to effect a binding settlement, including clients and insurance representatives. THERE WILL BE NO EXCEPTIONS PER ORDER OF JUDGE HEANE E. CRONE. Please direct all inquiries to the attention of John Adams.

SETTLEMENTS. If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no order of satisfaction is filed prior to trial.

HEARING DATE: Tuesday, April 12, 1981, @ 9:30 a.m.
ON THE FOLLOWING: Appeal: 45 minutes

TO: Eugene P. Smith, Esq.
Mr. & Mrs. Hunter Epperson (P)
Mr. John Huth (P)
Mr. Paul B. Leberknight (P)
Mr. Jules Faber (P)
County Board of Appeals

John W. Hessian, III, Esq.
Peter Max Zimmerman, Esq.

RE: NE - 7401 - IN THE MATTER OF CASE NO 80-56-X, ARTHUR STEINER & BORSSUCK ESTATE, THE OVL CORP., ET AL.

John Adams - 494-2880
Chief Assignment Commissioner
Circuit Court
Settlement Court

Marie Ecoland - 494-2882
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John Adams - 49

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

January 16, 1981

Eugene P. Smith, Esq.
19th floor, 10 Light St.
Baltimore, Md. 21202

Dear Mr. Smith:

Re: Arthur Steiner & Borsuck Estate
Case No. 80-56-X

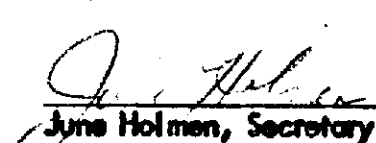
In accordance with Rule B-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the zoning appeal which you have taken to the Circuit Court for Baltimore County in the above matter within thirty days.

The cost of the transcript of the record must be paid by you. Certified copies of any other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you might file in court, in accordance with Rule B-7 (a).

Enclosed is a copy of the Certificate of Notice; also invoice covering the cost of certified copies of necessary documents.

Very truly yours,


June Holman, Secretary
Encls.
cc: Mr. Arthur Steiner
file

January 16, 1981

BULETIN:

Eugene P. Smith, Esq.
19th floor, 10 Light St.
Baltimore, Md. 21202

Cost of certified documents filed
in Case No. 80-56-X \$15.00

Arthur Steiner & Borsuck Estate
1NE/S Flood Road, 36' NW of
Rettman Lane
12th District

MAKE CHECKS PAYABLE TO: Baltimore County, Maryland

REMIT TO: County Board of Appeals
Rm. 219, Court House
Towson, Maryland 21204

December 21, 1979

John W. Hession, III, Esquire
People's Counsel for Baltimore County
County Office Building
Towson, Maryland 21204

RE: Petition for Special Exception
NE/S of Flood Road, 36' NW of
Rettman Lane - Arthur Steiner
& Borsuck Estate
Case No. 80-56-X

Dear Mr. Hession:

Please be advised that an Appeal has been filed by Eugene P. Smith, Esquire on behalf of the Petitioners from the decision rendered by the Zoning Commissioner of Baltimore County in the above-referenced matter.

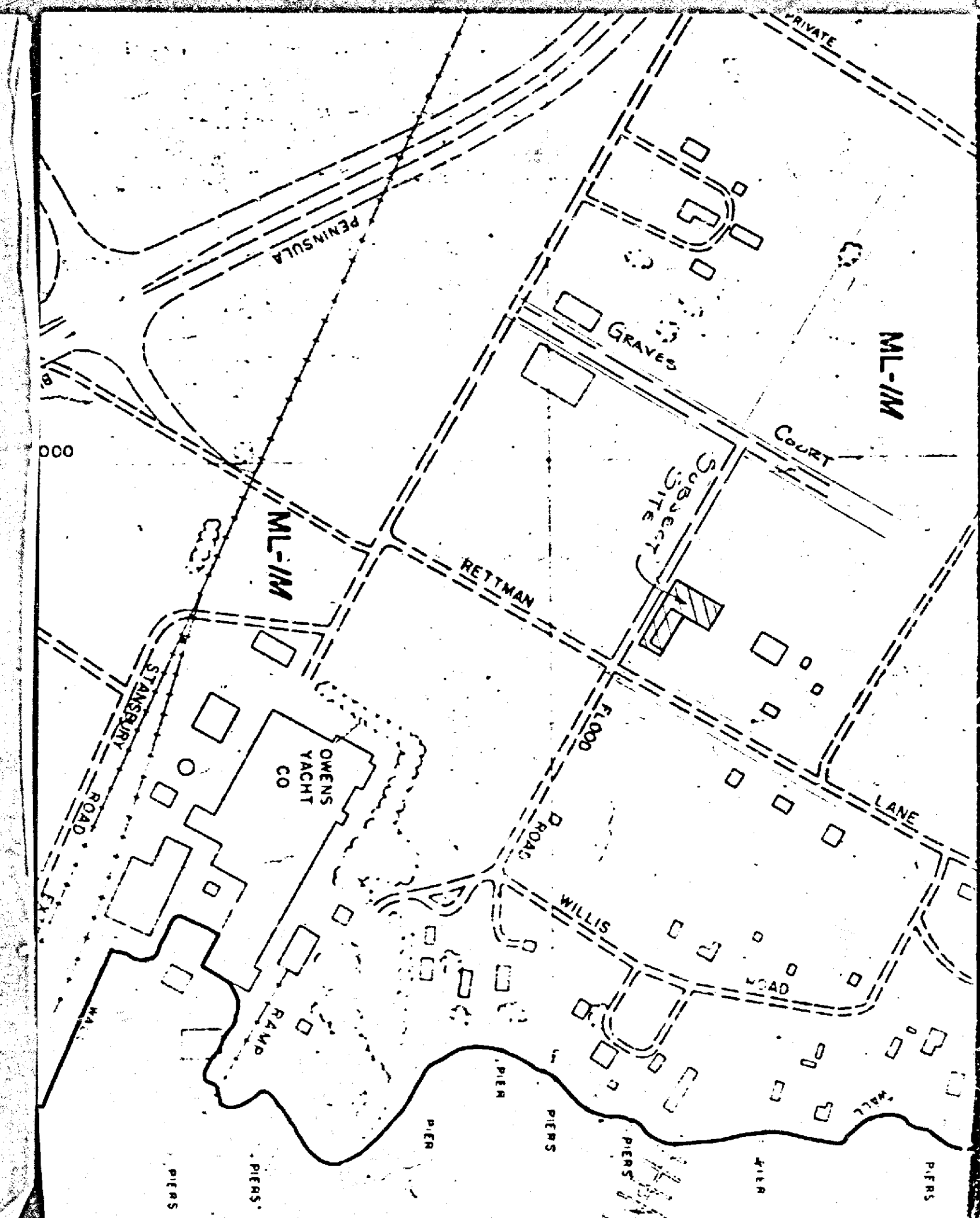
You will be notified of the date and time of the Appeal hearing when it is scheduled by the County Board of Appeals.

Very truly yours,

William E. Hammond
Zoning Commissioner

WHL:sj

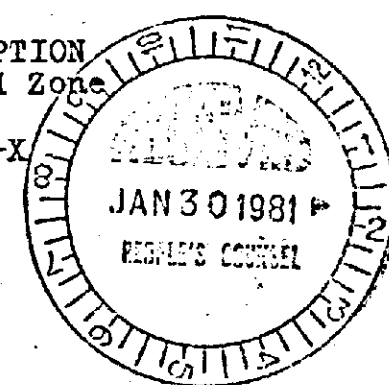
cc: Mr. & Mrs. Renter Epperson
Mr. John Ruth
Mr. Paul B. Leberknight
Mr. Jules Faber



January 30, 1981

Re: PETITION SPECIAL EXCEPTION
Service Garage - ML-IM Zone
Zoning File No. 80-56-X

Circuit Court
Baltimore, County
Misc. Docket No. 13
Folio No. 51
File No. 7401



Mr. Clerk:

Persuant to the provisions of, "West's Maryland Law Encyclopedia 1980 - Volume 23 - Witnesses - Zoning and Planning - Page 160, I am filing a demurrer based on false testimony as to purpose of said service garage.

Transcripts of both denials, by, Mr. William E. Hammond - Zoning Commissioner and County Board of Appeals members, Messrs Walter A. Reiter, John V. Murphy and Ms. Patricia Millhauser will prove this to be the case, factual and true.

Please note language of repetition. If successful, it is their intention to lease this property to a separate service garage operator. Not so.

Transcripts prove this to be false as an employee was used as a scape-goat for, Owl Corporation to get control of this building on 0.19 acres of subject property. Please note: This small parcel of land, Tax Map Division, Assessments and taxation, Parcel No. P. 103 consisting of, 2.1476 acres already has a service garage adjacent to the one they are petitioning for. This adjacent service garage is 50 feet W/W - Plus another service garage for trucks and sea-containers, about 75 feet west of petitioned building used formerly by, Owens Yaught and Trident. Incidentally, these very same garages were not petitioned for by special exception nor were the subsidiary companies consisting of, Universal Trucking and Albatross where-by, The traffic impact is sufficient bases to deny an application for a special exception (Page 139 of Law Encyclopedia).

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And whereas, this community is serviced by a, One Access Road Only the impact is beyond belief. These tractors and trailers use one road as a turn around basin which has been posted. Mr. Mark Gonce and others of, Traffic Engineering (Towson) as well as Mr. Scannell of the Dundalk Police force (Capt.) with Lt. Kujawa and his force can testify to our complaints. Am sending and attaching a photo-static copy of said area.

Persuant to provisions of said, Law Encyclopedia, Page 141, The applicant must show that the grant of an exception would be in harmony with the general plan and would not have an adverse effect on health or safety and would not be detrimental to adjacent properties in the general neighborhood.

Have even called, Mr. Frank R. Henderson, Asst. Regional Chief Water Resources Administration, Annapolis, Md. about them steaming their trucks and tractors on Flood Road a county highway. I have pictures (photo's) of all these violations.

Respectfully,

Jules Faber
Jules Faber M.E.
Marine Engineer
1911 Willis Road.,
Dundalk, Md. 21222

